

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

STEVEN BARKER; JOHN BECKER;  
PATRICK BORNT; WILLIAM BOWLES;  
JOHN COMITALE; ROBERT  
FITZGERALD; RANDALL FRENCH;  
ROBERT GAUDETTE; BRIAN GROSS;  
ROBERT HAYDEN; JEFFREY  
HOOVER; SEAN KITTLE; MARK  
MALOY; MICHAEL PARROW; KEVIN  
SESSIONS; and MATTHEW  
MONTANINO,

Plaintiffs,

-against-

1:10-CV-01488 (LEK/RFT)

THE CITY OF TROY, NEW YORK;  
HARRY TUTUNJIAN, in his official  
capacity as Mayor of the City of Troy, New  
York; and JOHN TEDESCO, in his official  
capacity as Chief of Police of the City of  
Troy, New York,

Defendants.

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**DECISION and ORDER**

This matter comes before the Court following a Report-Recommendation filed on January 30, 2012, by the Honorable Randolph F. Treece, United States Magistrate Judge. Dkt. No. 27 (“Report-Recommendation”).<sup>1</sup> Both Plaintiffs and Defendants have submitted Status Reports before the Court indicating that they do not object to Judge Treece’s findings in the Report-Recommendation. Dkt. Nos. 28, 29.

“A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or

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<sup>1</sup> By Order dated January 27, 2012, the Court referred this matter to Judge Treece for a report-recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure. Dkt. No. 26.

recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). After examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. In light of Judge Treece’s thorough consideration of the parties’ joint stipulation and the proceedings in this matter, and both parties’ submissions stating that they have no objections to the Report-Recommendation, the Court finds that the proposed settlement “represents a fair and reasonable resolution” of their dispute under the Fair Labor Standards Act, 29 U.S.C. § 210, *et seq.* Peralta v. Allied Contracting II Corp., No. 09-CV-953, 2011 WL 3625501, at \*1 (E.D.N.Y. Aug. 17, 2011); *see also* Bouzzi v. F & J Pine Rest., LLC, No. 10-CV-0457, 2012 WL 85137, at \*1 (E.D.N.Y. Jan. 11, 2012); Misiewicz v. D’Onofrio Gen. Contractors Corp., No. 08-CV-4377, 2010 WL 2545472, at \*1 (E.D.N.Y. June 18, 2010); Leung v. Home Boy Rest. Inc., No. 07 Civ. 8779, 2009 WL 398861, at \*1 (S.D.N.Y. Feb. 18, 2009).

Accordingly, it is hereby:

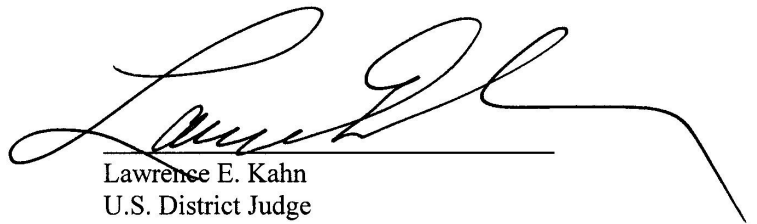
**ORDERED**, that the Report-Recommendation (Dkt. No. 27) is **APPROVED and ADOPTED in its entirety**; and it is further

**ORDERED**, that the Stipulation of settlement (Dkt. No. 25), and all of its terms, is **APPROVED**; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: February 02, 2012  
Albany, New York

  
Lawrence E. Kahn  
U.S. District Judge